

# EXHIBIT 42


**AFFIDAVIT OF STEPHANIE BOTHWELL**

I, Stephanie Bothwell, having been sworn according to law, state that the following is true and accurate:

1. My name is Stephanie Bothwell. I am the Crime Scene Unit Supervisor at the Odessa Police Department in Ector County, Texas. In that capacity, I oversee the property room and crime laboratory for the department. I have worked at the Odessa Police Department since 1995.
2. On February 11, 2022, I received a telephone call from Assistant Federal Public Defender Joshua Freiman. Mr. Freiman wanted to speak with me about documents I provided in response to a public records request made on January 28, 2022.
3. In the response to the January 28 request, I believed we had disclosed everything that was possibly responsive to the request. The response stated, "Our CSU department has not been able to locate any of the actual latent print cards lifted in reference to this case. It is possible that they were taken to court back in 1995-1996. All documents that CSU has have been scanned and uploaded."
4. On the February 11 call, I told Mr. Freiman that, after our last response, we had discovered 136 latent print cards from the case. The cards had been placed out of order in a storage box for evidence in old cases. I told Mr. Freiman that, on Friday, February 4, I had personally delivered these additional documents to an attorney with the City of Odessa who was assisting with the public records request. I also stated that, at the time of the Michael Gonzales case, the practice was to write reports on AFIS entries that resulted in a positive identification. A report was not written when a latent was entered into AFIS.
5. In response to Mr. Freiman's request, I also said that I could arrange to photograph items of evidence.
6. On February 14, 2022, I instructed property room technicians to open and photograph the following items of evidence based on counsel's request:
  - a. Item 13 – board from the kitchen to living room threshold
  - b. Item 18 – blue house slipper from kitchen
  - c. Item 19 – a piece of tile from kitchen
  - d. Item 23 – three pieces of board from utility room
  - e. Item 40 – plaster casts of footprints from front of residence – 220 Schell
  - f. Item 41 – plaster cast of footprint from backyard of 220 Schell
  - g. Item 42 – wall section from kitchen w/ handprint
  - h. Item 47 – armchair cover from living room
  - i. Item 49 – grey trousers with a belt from Manuel Aguirre
  - j. Item 50 – white t-shirt from Manuel Aguirre
  - k. Item 62 – housecoat from Merced Aguirre

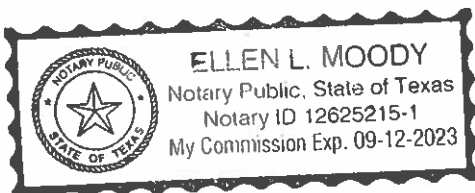
- l. Item 63 – sleeping gown from Merced Aguirre
  - m. Item 75 – latent shoe print (powder) from utility room
  - n. Item 76 – latent shoe impression with blood stain from utility room
  - o. Item 89 – pants recovered from 517 S. Sam Houston
  - p. Item 121 – multi-colored flannel shirt from 517 S. Sam Houston
  - q. Items 14, 31, and 83 – chile pepper evidence
7. Based on counsel's request, the technicians photographed the inner lining of Item 121, an insulated flannel shirt. Technicians also provided high-resolution photographs of the multi-colored housecoat, Item 62, photographed the outsole of the slipper, Item 18, and used a scale in close-up photographs of blood evidence and cuttings.
  8. Also on February 14, the technicians and I re-scanned the latent print cards and known fingerprint cards in a large, high-resolution format (.tif).
  9. On February 22, I spoke again with Mr. Freiman about additional examination of Item 121. I observed discolorations on various spots on the inner lining. I arranged to apply alternate light source visualization to the inner lining of Item 121 using a device called the Microcrime Scope MCS400W and to photograph the results.
  10. All photography occurred in our crime laboratory. Crime Scene Technicians did the most recent scanning of the latent print cards and the photography of the evidence. A Property Technician retrieved the items from secured storage and returned them to the same location.

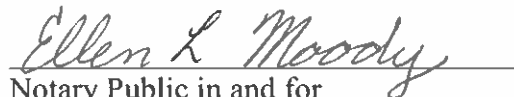
I have read the above statement, consisting of two pages, which is based on my personal knowledge, and I swear that the foregoing is true and correct.

  
Stephanie Bothwell  
Crime Scene Unit Supervisor  
Odessa Police Department

STATE OF TEXAS       §  
                                  §  
COUNTY OF ECTOR   §

Sworn to and subscribed before me by affiant on this 22<sup>nd</sup> day of February, 2022.



  
Notary Public in and for  
Ector County, Texas